

Minutes
Regular Session
Breckenridge City Commission

January 6, 2015 – 5:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Sherry Strickland, Mayor Pro-Tem; R. Kent Thompson, Commissioner; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Calvin Chaney, Fire Chief; Gabriel Rodriguez, Public Works Director; Stacy Harrison, Public Services Director; Jake McAdams, Public Management, Inc.; Scott Hibbs, e-HT; Virgil Moore, BEDC; Stan Carstens; Paul Prater; Lois Rockefeller, City Attorney; Robert Searls, Republic Services; Ray Rubio, Republic Services; Shane JoLaser, Republic Services

Those Absent: Jimmy McKay, Mayor; Tom Cyprian, Commissioner

1. **Call to Order:** Sherry Strickland, Mayor Pro-Tem, at 5:30 pm a quorum was established
2. **Invocation Led By:** Stacy Harrison
3. **Pledge of Allegiance:** Sherry Strickland led the Pledge of Allegiance
4. **Consider approval of minutes of the December 2 and December 16, 2014 City Commission Meetings**

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, for approval of minutes of the December 2 and December 16, 2014 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian

5. **Citizens Presentations :** None
6. **Republic Services meet and greet**

Robert Searls who has been with the company for 15 years spoke briefly about the company and then introduced Ray Rubio as the division manager. Ray Rubio talked about the holidays and ice event being a factor on trash services as of recent. Appreciates the Cities business and wants to go above and beyond. Commissioner Thompson asked about delay service and when he thought they may be caught up. Paul Prater and Commissioner Wimberley stated their trash has not been picked up in two weeks. Ray Rubio stated they should be caught up this week and back on normal schedule by next week. City Manager McCuiston stated in our contract with Republic Services there is an evergreen clause in it, which means that it automatically renews every year for another five (5) years unless you stop that evergreen clause. Republic Services has been notified in writing that the evergreen clause has been stopped. He wants everyone to be aware of it and we will be renegotiating when the contract ends.

CONSENT AGENDA

ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED WITH ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS UNLESS A COMMISSION MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE.

- 7. Request to approve Departmental Reports.**
- 8. Request to approve Resolution 15-01 authorizing exemption of certain vehicles from requirements of Chapter 721 of the Texas Transportation Code, Identification of City and County vehicles and heavy equipment.**
- 9. Request to approve Cemetery Clean Up News Release.**

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to approve the Consent Agenda. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

PUBLIC HEARING

At 5:40 pm Public Hearing on Item 10 Commenced:

- 10. Regarding the new submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) for sewage improvements.**

Jake McAdams stated this is the required Public Hearing regarding the new 2015-2016 CDBG application. These funds are for infrastructure improvements within the City and a 20% match is required. The funding available is \$275,000 of grant funds with the match being \$53,700. The project is to install new sewage lines on South Dunnigan Avenue. The application is applying for 2,030 linear feet of PVC sewage pipe, reinstall or create new connection and rehab or install 9 manholes. Jake McAdams asked if there were any questions.

Commissioner Strickland questioned the time frame. Jake stated the application is due by the end of February. Commissioner Strickland asked how long does it take to get an approval on the application. Jake McAdams replied the grants have a two year cycle and they are competitive. With this application cycle, there will be 2015 awards and 2016 awards. It could be on either year, most likely if Breckenridge gets accepted it will be 2016. City Manager McCuiston stated we don't have to fund it till we get approved, hopefully in 2016. Commissioner Strickland asked if it plays an economic factor for the community with low to moderate income. Jake McAdams replied yes.

At 5:45 pm Public Hearing on Item 10 Concluded.

INDIVIDUAL CONSIDERATION

11. Request to approve Resolution 15-02 application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) for sewage improvements.

Jake McAdams stated there was a typo on the Resolution. Instead of applying for \$275,000 we are actually applying for \$268,500.

Commissioner Thompson made a motion, seconded by Commissioner Wimberley, to approve Resolution 15-02 application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) for sewage improvements. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

12. Request to approve Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 330' FNL & 574' FWL of the NE/4 of LAL Sec. 8, J. Sylvanus Survey, A-1078.

City Manager McCuiston stated we decided to table items 12 & 13. Wapiti Energy would like more time to discuss with BEDC about their concerns on drilling.

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to table this item. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

13. Request to approve Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 550' FSL & 1,197' FEL of the W. Brocket Survey, Section 9, A-954.

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to table this item. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

14. Request to approve Ordinance 15-01 Policies & Procedures for Breck Trade Days.

City Manager McCuiston stated we have an Ordinance to adopt the policies and procedures of Trade Days which allows us to enforce these rules. He summarized the rules and procedures for Breck Trade Days. This is to regulate and be able to ticket vendors, shoppers, etc. for undesirable behaviors. Lois revised the Ordinance and explained the term Trade Days Management and those designated as management can enforce the rules. Commissioner Wimberley discussed information on change to motorized vehicles. After a short discussion among the Commissioners, the City Manager and City Attorney decided to reword that section.

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve with changes to motorized vehicles, Ordinance 15-01 Policies & Procedures for Breck Trade Days. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

15. Update, discuss and may take action on drought response strategies by the City of Breckenridge.

City Manager McCuiston stated at the last meeting Colden Rich brought information to the Commission. City Manager McCuiston has put together a first pass for the Commission to start with on editing the Water Conservation and Drought Conservation plan. He reviewed the first pass for the Commission. He would like for the Commission to look over this and address it again at the next meeting.

Commissioner Thompson made a motion, seconded by Commissioner Wimberley, to table this item. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

16. Request to approve Interlocal Agreement between City of Abilene and City of Breckenridge regarding Abilene and Water Treatment Roughing Plant on City property.

City Manager McCuiston introduced Scott Hibbs. Scott Hibbs stated this will allow the City of Abilene to pull Possum Kingdom (PK) water in. Still in the process of rounding up water rights for PK water for all 4 cities. West Central Texas Municipal Water District (WCTMWD) will handle the PK rights for the other 3 cities. He thinks this Interlocal Agreement is a win/win for all. This was originally styled as a Memorandum of Understanding (MOU) and is now an Interlocal Agreement. What this does, is allow the City of Abilene to sign without going through Council again. The contractors will be on site later this week once lease is signed.

Paul Prater stated a lot of people have worked very hard on this and he & Stan Carstens approve and the WCTMWD will honor this.

Commissioner Strickland made a motion, seconded by Commissioner Wimberley, to approve Interlocal Agreement between City of Abilene and City of Breckenridge regarding Abilene and Water Treatment Roughing Plant on City property. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

17. Request to approve property lease agreement with City of Abilene.

City Manager McCuiston passed out Exhibit A and reviewed the survey plat. Scott Hibbs explained the storage tanks to be on the site and explained where they will go on the survey plat. City Attorney Rockefeller mentioned easements and a future right of way document.

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to approve property lease agreement with City of Abilene. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

18. Request to approve Ordinance 15-02 to revise Ordinance 13-17 regarding water and sewer taps.

City Manager McCuiston explained this is a paperwork clean-up item and the change is to clarify any confusion in the old language. He asked Public Works Director Rodriguez if we are going to let just anybody start saw cutting our streets and Rodriguez replied no. Further discussion on getting quotes and pricing to do the best for the customer and still ensure work done properly and roads repaired. As well as, discussion on different possible scenarios that could take place and create issues for City reimbursement or large costs to customers.

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to approve Ordinance 15-02 to revise Ordinance 13-17 regarding water and sewer taps. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

19. Request to approve Ordinance 15-03 to revise Water Utility Ordinance regarding water deposits.

City Secretary Robertson-Caraway stated she has been researching with other Cities on how they curtail habitual delinquent scenarios and constantly writing off charges for non-payment. We will start increasing their deposit by 100% after being cut off 2 times within a 12 month time frame before their account can be reconnected. Commissioner Strickland asked how much the deposit is now. Heather replied it is \$140 deposit and a \$10 connect fee. They also discussed other options on how to improve this issue.

Commissioner Thompson made a motion, seconded by Commissioner Wimberley, to approve Ordinance 15-03 to revise Water Utility Ordinance regarding water deposits. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

20. Request to approve Resolution 15-03 authorizing the Mayor to sign an agreement to relocate, remove and/or adjust utilities and for the cost for acquisition of certain right of way on US 180 from Gonzales (Gonsolus) Creek to FM 287 with the Texas Department of Transportation.

City Manager McCuiston stated Engineers have been here to discuss this before and our portion is \$212,000.

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, to approve Resolution 15-03 authorizing the Mayor to sign an agreement to relocate, remove and/or adjust utilities and for the cost for acquisition of certain right of way on US 180 from Gonzales (Gonsolus) Creek to FM 287 with the Texas Department of Transportation. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

21. City Manager Reports

- a. **City Clean Up** – Fire Chief Chaney passed out Dangerous Building update. In batch 3 they have 61 identified – 31 torn down, 9 waiting on taxing entities, 4 City Attorney is working on, 11 taken for taxes, 1 sold at auction, 10 signed over by owners, 4 demolished by owners and 13 by taxes. City Manager McCuiston stated another property is the Anderson Building that the County is signing over to the City. City Manager McCuiston, the Commissioners and City Attorney Rockefeller all verbalized appreciation of the Code Department and all the time and paperwork involved. Last 2 torn down are on W. Wheeler beside each other and are looking to work with BEDC on possible Quadplexes on the properties. Fire Chief Chaney explained one of the houses had squatters that destroyed the structure. The owner had to go through eviction process and then signed over to the City.
- b. **Trade Days Update** – City Manager McCuiston stated we are moving forward well. We have the 80' X 100' slab and steel uprights, progress will ensue depending on weather. Brick house is coming along – electrical starting soon and plumber is almost done. Meeting with Sharon tomorrow on calling vendors- we need 160 vendors. Commissioner Strickland asked how we got to 160 vendors. Andy stated we have 18 food lots, 92 open lots in Small Soccer Field, 30 open lots in Hullum & Dunnigan Corner and 20 lots in Trade Barn 1 which totals 160 lots. We have calendars to handout, called radio stations and TV stations, our marketing/advertising is going well.

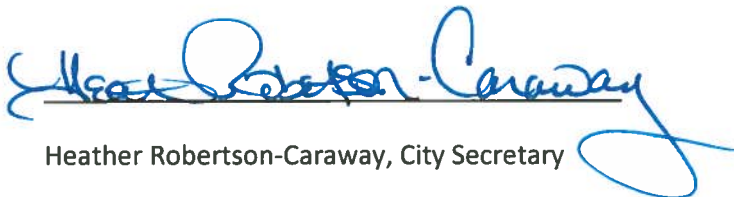
22. Items from the City Commission not requiring formal action: None

23. Adjourn

Commissioner Thompson made a motion, seconded by Commissioner Cyprian, to adjourn the meeting. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley. Nays: None. Absent: McKay, Cyprian.

Meeting adjourned at 7:04 P.M.

ATTEST


Heather Robertson-Caraway, City Secretary


Jimmy McKay, Mayor

SEAL

